

[20794/0205573-US0]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Walter Dietz
Serial No. : 10/672,783
Filed : September 26, 2003
For : METHOD OF CONTROLLING THE REVOLUTIONS OF
THE DRUM OF PROGRAM CONTROLLED LAUNDRY
MACHINE
Art Unit : 1792
Examiner : Alexander Markoff
Confirmation No. : 9681

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANT'S REPLY BRIEF ON APPEAL UNDER 37 C.F.R. § 41.41

SIR:

Appellants submit this reply brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in response to the Examiner's Answer mailed May 1, 2008.

RELATED APPEALS AND INTERFERENCES

There are no other prior or pending appeals, interferences or judicial proceedings known by the undersigned, or believed by the undersigned to be known to Appellants "which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal."

STATUS OF CLAIMS

Claims 1-14 have been cancelled.

Claims withdrawn from consideration but not canceled: None

Claims 15-23 are pending.

Claims allowed: None

Claims 15-23 have been rejected.

Claims On Appeal

The claims 15-23 are on appeal.

Appellants appeal from the final rejection of claim 15-23.

A copy of the appeal claims, *i.e.*, claims 15-23 is attached hereto in the Claim Appendix.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 15-23 are properly rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,335,524 to Sakane.

ARGUMENTS IN RESPONSE TO EXAMINER'S ANSWER MAILED

MAY 1, 2008

Claims 15-17 and 19-22

Claims 15-17 and 19-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sakane.

Independent claim 15 recites measuring a load parameter and "setting an upper and a lower limit of a rotational speed of a drum of the laundry treatment machine as a function of the load parameter." It is respectfully submitted that Sakane nowhere discloses setting upper and lower rotational speed limits of the drum as a function of a load parameter. In contrast,

Sakane merely describes controlling the drum between predetermined lower and upper rotational speed values n_a and n_b of an operation program stored in a control device 27. See Sakane, column 4, lines 39-54. The predetermined speed values n_a , n_b themselves are *predetermined* experimentally and within a range calculated using equation (3). See Sakane, column 5, lines 2-11 and lines 47-50. Sakane nowhere discloses that the speed values n_a and n_b are set as a function of a load parameter. Although Sakane describes detection of the clothes volume, it does not disclose that the clothes volume is used to set an upper and lower limit of rotational speed of the drum, as recited in claim 15. In contrast, Sakane merely describes that the detected volume of clothes is utilized for controlling the three-phase logic control circuit with a pulse voltage having a duty ratio corresponding to the volume of clothes. See Sakane, column 6, lines 45-53. Thus, the logic control circuit uses the clothes volume to set the duty ratio such that the pre-selected speed values n_a and n_b may be attained. Sakane does not disclose that the *pre-selected* speed values should be changed or set as a function of the clothes volume.

Because Sakane fails to disclose at least the above-recited features of claim 15, it cannot anticipate claim 15 or any of its dependent claims. It is respectfully submitted that the rejection of claims 15-17 and 19-22 under 35 U.S.C. § 102(b) as being anticipated by Sakane should therefore be withdrawn.

Claim 18

Claim 18 was rejected under 35 U.S.C. § 102(b) as being anticipated by Sakane.

Independent claim 18 recites “setting the respective rotational speeds of the washing cycle so as to yield a rotational speed versus time profile of substantially trapezoidal configuration.” It is respectfully submitted that Fig. 3 of Sakane does not show, indeed none of the figures of Sakane show, a substantially trapezoid profile, as recited in claim 18. The profiles of Sakane are various other shapes. Nor, as the Examiner appears to indicate, are the left and right sides of the Fig. 3 profile of Sakane parallel. Rather, these sides are sloped, non-parallel acceleration and deceleration portions of the profile. See Fig. 3 of Sakane. The trapezoidal configuration of the embodiment of the invention shown in Fig. 2 of the present application is formed by the flat portion of the profile at the maximum rotational speed, together with preceding and following sloped portions respectively from and to the minimum rotational speed.

Because Sakane fails to disclose the above-recited feature of claim 18, as well as the recited features of claim 15 discussed above, it cannot anticipate claim 18. It is respectfully

submitted that the rejection of claim 18 under 35 U.S.C. § 102(b) as being anticipated by Sakane should therefore be withdrawn.

Claim 23

Claim 23 was rejected under 35 U.S.C. § 102(b) as being anticipated by Sakane.

Claim 23 recites that “the load parameter is a function of a weight of the laundry disposed in the laundry treatment machine.” It is respectfully submitted that Sakane nowhere discloses the load parameter is a function of the weight of the laundry, as recited in claim 23. In contrast, Sakane repeatedly states that the described “load” is the volume of clothes to be washed. Specifically, Sakane states that “load amount depends upon the volume of clothes to be washed” (See Sakane, column 6, lines 27-28) and “the amount of load, that is, the volume off clothes, is determined” (See Sakane, column 6, lines 42-44). Further, it is well known that the density of laundry varies, and thus, the volume of laundry is not indicative of its weight. Thus, Sakane does not disclose that “the load parameter is a function of a weight of the laundry” as recited in claim 23.

Because Sakane fails to disclose the above-recited feature of claim 23, as well as the recited features of claim 15 discussed above, it cannot anticipate claim 23. It is respectfully submitted that the rejection of claim 23 under 35 U.S.C. § 102(b) as being anticipated by Sakane should therefore be withdrawn.

In view of the foregoing it is believed that claims 15-23 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance.
Favorable consideration of this reply brief is respectfully requested.

Respectfully submitted,

Dated: July 1, 2008

By:



Erik R. Swanson
Reg. No. 40,833

DARBY & DARBY P.C.
P.O. Box 5257
New York, NY 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Appellant